

Message

---

**From:** Krueger, Thomas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5032E094667E4AB3BCD05326C7C3CF18-TKRUEGER]  
**Sent:** 3/10/2021 9:59:39 PM  
**To:** Junk, Tim [TJunk@idem.IN.gov]; McCutcheon, Meredith [meredith.mccutcheon@atg.in.gov]; Douglas Petroff [DPetroff@idem.IN.gov]  
**CC:** Ohl, Matthew [ohl.matthew@epa.gov]; Cosgrove, Bonnie (ENRD) [Bonnie.Cosgrove@usdoj.gov]

## Ex. 5 Attorney Work Product (AWP)

Tom Krueger

---

**From:** Norman Bernstein <nwbernstein@nwblc.com>  
**Sent:** Monday, March 1, 2021 10:57 AM  
**To:** Krueger, Thomas <krueger.thomas@epa.gov>; Ohl, Matthew <ohl.matthew@epa.gov>; Doug Petroff <DPetroff@idem.in.gov>  
**Cc:** Peter M. Racher Esq. <pracher@psrb.com>  
**Subject:** ECC Consent Decree Amendment

Mr. Krueger, Mr Ohl and Mr. Petroff:

Please find attached the Trustees' proposed ECC Consent Decree Amendment. It covers the installation of the Z-1 Remedy, the developments since, and the installation of the Cap Extensions as the first step in reducing the problem south of the Site. It short, it does the job that needs to be done with a minimum fuss.

Once the field work for the development of the bio-augmented recirculation system has been identified and at least a preliminary plan for the bio-augmented recirculation system has been developed and approved, we can later this year provide a follow up Amendment that will set forth the main steps to be achieved in that regard.

The most important thing that EPA can do to reduce flux south of the site is to approve now and without further delay the long overdue cap extensions.

All the best and stay safe.

Norm Bernstein & Peter Racher

--

Norman W. Bernstein  
N.W. Bernstein & Associates, LLC  
800 Westchester Ave., Suite N319  
Rye Brook, N.Y. 10573  
(914) 358-3500

In accordance with Internal Revenue Service Circular 230, any discussion of a federal tax issue in this communication or in any attachment is not intended to be used, and it cannot be used, for the purpose of avoiding federal tax penalties.

This message may contain confidential information that is protected by the attorney-client privilege or otherwise. If you are not the intended recipient, any disclosure, copying, distribution, or the taking action in reliance on the contents of this message is prohibited. If you have received this message in error, please notify the sender immediately by e-mail and delete the original message. Thank you.